

Notice of Allowability

Application No.

10/068,094

Examiner

Thoi V. Duong

Applicant(s)

KUSUMOTO ET AL.

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Supplemental Request for Reconsideration filed June 06, 2005.
2. ☒ The allowed claim(s) ~~is/are~~ 1-7 and 21-43.
3. ☒ The drawings filed on 05 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This office action is in response to the Supplemental Request for Reconsideration filed June 06, 2005.

Accordingly, a declaration under 37 CFR 1.132 by the present inventors is submitted with this paper.

Currently, claims 8-20 were cancelled, and claims 1-7 and 21-43 are pending in this application.

Allowable Subject Matter

2. Claims 1-7 and 21-43 are allowed.

The following is an examiner's statement of reasons for allowance: none of the prior art of record fairly suggests or shows all of the limitations as claimed. Specifically,

None of the prior art of record discloses, in combination with other limitations as claimed, a polarizing film having an absorbance comprising an absorption peak A in a wavelength range of 550 to 650 nm and an absorption peak B in a wavelength range of 450 to 520 nm, and an absorbance characteristics ratio of (absorption peak A/absorption peak B) is no more than 1.5, wherein the absorbance peaks are measured after arranging the polarizing film in a crossed Nicol,

wherein, re claim 1, the polarizing film comprises a non-UV-treated stretched film containing iodine;

wherein, re claim 37, a retardation of the film measured using a light having a wavelength of 900 nm does not exceed 1100 nm; and

wherein, re claim 41, the polarizing film comprises a stretched film containing iodine and having a stretching ratio of no more than 50%.

It is noted that the absorbance peaks are shown by Applicant in Fig. 1 in the declaration filed September 15, 2003.

The first most relevant reference, USPN 5,925,289 to Cael et al. (Cael), fails to disclose or suggest the claimed inventions. As shown in Fig. 2C, Cael only discloses a polarizing film comprising a non UV-treated stretched film containing iodine (curve 1), wherein an absorption peak of about 3.1 in a wavelength range of 300 to 400 nm and a plurality of absorption peaks in a wavelength range of 450 to 520 nm. Cael also shows that the polarizing film is arranged in a crossed Nicol.

The second most relevant reference, JP 2001-091736 to Kusumoto et al. (JP'736), discloses every limitations of the claimed inventions. However, JP'736 is overcome by a declaration under 37 CFR 1.132 by the present inventors filed on June 06, 2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-

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2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (571) 272-2293.

Thoi Duong



07/25/2005



DUNG T. NGUYEN
PRIMARY EXAMINER